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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,584	11/09/1999	MICHAEL HOWARD	MSI-379US	8187
22801	7590	11/28/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HENEGHAN, MATTHEW E	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/437,584	HOWARD ET AL.
Examiner	Art Unit
Matthew Heneghan	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 November 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 9 November 1999 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

1. Applicant has submitted amendments in response to the first office action to claims 18 and 26. Claims 1-31 have been examined.

Drawings

2. In view of applicant's amendments to the specification, all objections under 37 CFR 1.84(p)(5) are withdrawn.

3. The drawings are objected to under 37 CFR 1.84(g) because the margins are out of specification in Figure 2, as previously noted in Form PTO-948, the Draftperson's Report. The objection to the drawings will not be held in abeyance.

Specification

4. In view of applicant's amendments to the specification, the objections to the specification are withdrawn.

Claim Rejections - 35 USC § 101

5. In view of applicant's amendments to claims 18 and 26, the rejections under 35 U.S.C. 101 to claims 18-21 and 26-31 are withdrawn.

Claim Rejections - 35 USC § 102

6. All rejections under 35 U.S.C. 102 and 35 U.S.C. 103 are being repeated from the previous office action.

7. Claims 1-11 and 13-30 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,884,033 to Duvall et al.

As per claims 1, 2, 6, and 18, *Duvall* defines a plurality of unwanted input strings to be filtered (see column 3, line 64 to column 4, line 11), a search pattern that permits variability, can search a portion of the string, and has wildcard characters (see column 6, lines 28-42), receives an input string on a web server (see column 8, lines 18-27), evaluates the strings, and takes remedial action if necessary, including denying the request (see column 6, line 60 to column 7, line 13).

As per claims 3 and 19, the patterns described in *Duvall* (see column 6, lines 35-42) constitute a regular expression.

As per claims 4 and 20, *Duvall* discloses that the input string may be a URL (see column 5, lines 66-67).

As per claims 5 and 21, *Duvall* discloses that the input string may be an HTTP verb request, such as a GET request (see column 6, lines 19-25).

As per claims 7-10, 13-16, 26, 27, 29, and 30, *Duvall* discloses that the search patterns may be stored in RAM (see column 4, lines 45-49).

As per claim 11, *Duvall* discloses that the product may be patched onto an application that is already running (see column 9, line 14 to column 11, line 20).

As per claims 17 and 22-25, the program is stored in a public directory (on a disk) before being installed (see column 10, lines 64-66).

As per claim 28, the list of patterns may be edited (see column 8, lines 1-9).

Claim Rejections - 35 USC § 103

8. Claims 12 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,884,033 to *Duvall* et al. in view of *Oliver* et al., "Building a Windows NT 4 Internet Server", 1996, p. 203.

The system disclosed in *Duvall* may be implemented on a server and that it uses an API (see column 10, lines 59-63), but *Duvall* does not specifically disclose that it uses ISAPI.

Oliver states that ISAPI (which stands for Internet Server API), which is an API native to the Microsoft® Internet Information Server, allows programmers to create server applications that take advantage of the web server and is tightly linked to the operating system.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a reliable and well-supported API such as the

Microsoft® ISAPI, as disclosed in *Oliver*, when implementing the system disclosed by *Duvall* on a Windows NT server.

Response to Arguments

9. Applicant's arguments directed to the previous rejections under 35 U.S.C. 101 are acknowledged. The amendments to the claims add limitations that the descriptive functional material, which is necessary for the efficient function of the disclosed invention, are to be on computer-readable media. All claims now teach to statutory subject matter.

10. Applicants arguments directed to the previous rejections under 35 U.S.C. 102 and 35 U.S.C. 103 are acknowledged.

As per claims 1-25, applicant's arguments are not found to be persuasive. In view of the specification of the instant application, attack patterns can only be defined as being undesired strings that are intended for the web server. Although the specification of the instant application discloses several different kinds of attack patterns, those teachings cannot be viewed as limitations. All types of such strings that are claimed (URL's and http verb requests) are anticipated by *Duvall*.

The mechanism by which such strings are screened out disclosed by *Duvall* anticipates all of the claimed limitations. Duvall processes strings in the claimed

manner; applicant's alleged difference is in the subjective intent of the creator of the strings rather than in the content or processing of the strings.

As per claims 26-31, applicant's arguments are not found to be persuasive. The claimed matter constitutes statutory subject matter if and only if it is viewed in the context of the disclosed invention as a whole; the invention disclosed by *Duvall* stores strings in the claimed manner for use in a server-based string screening apparatus, and therefore anticipates the storing of string patterns in the invention of the instant application.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 4:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MEH *MEH*

November 25, 2003



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100